

No. 5:15-CR-172-F-15

Defendant.

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for conduct described in the Indictment. Defendant claims he did not realize the court's inquiry concerned the conduct addressed in the plea agreement. As such, his "desire for entry of dismissal was ineffectively relayed to the Court during the sentencing hearing."


Defendant wishes to move forward with sentencing as originally contemplated. Defendant advises that the parties think justice is best served by concluding this matter as originally agreed. Defendant advises further that any and all issues with regard to the presentence report ("PSR") have been resolved.

For the foregoing reasons, it is ORDERED as follows:

1. Defendant's letter [597], to the extent treated as a motion, is DENIED; and
2. Defendant's Motion to Reconsider, Approve and Accept Plea Agreement, and Request to Impose Guideline Sentence in Accordance with the Presentence Report [DE 633] is DENIED IN PART and ALLOWED IN PART. Defendant's sentencing hearing is set for **November 4, 2016**, at which time the court will fashion an appropriate sentence after hearing from the parties and considering all relevant factors, including the PSR.

SO ORDERED.

This the 21st day of October, 2016.

  
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**JAMES C. FOX**  
Senior United States District Judge